

BMV “Cheat Sheet” for
Probationary License for Habitual Traffic Violators

1) Ineligible

- a) An individual who holds a CDL and has been charged with an offense involving the operation of a motor vehicle in accordance with the federal Motor Carrier Safety Improvement Act of 1999 (MCSIA)(9-30-10-9(a)).
- b) An individual who has previously been placed on probation under 9-30-10-9.
- c) An individual who has been conviction of an offense listed in 9-30-10-4(a).

2) Eligible

- a) **10-year HTV suspension** under 9-30-10-4(b)
 - i) Under 9-30-10-9(c), a court may place a person on probation if the individual:
 - (1) Is not ineligible for any reason listed above;
 - (2) Has served at least 5 consecutive years of the HTV suspension;
 - (3) Has not violated the terms of the HTV suspension by operating a vehicle during that time; **and**
 - (4) Has successfully completed the requirements of a rehab program certified by the division of mental health and addiction or the Indiana judicial center (this requirement only necessary if individual had OVWI judgment with a .10 before 7/1/2001 or .08 after 6/30/2001.)
 - ii) Under 9-30-10-9(e)), a court may place a person on probation if the individual:
 - (1) Is not ineligible for any reason listed above;
 - (2) Does not have any convictions for violations under 9-30-10-4(b), except for judgments for conditions under 4(b)(5) that resulted from driving while suspended on a license that was suspended for infractions only, or previously driving on a suspended license; and
 - (3) Has served at least 3 consecutive years of the HTV suspension and has not violated the terms of the HTV suspension for at least 3 consecutive years.
- b) **5-year HTV suspension** under 9-30-10-4(c)
 - i) Under 9-30-10-9(b), a court may place a person on probation if the individual:
 - (1) Is not ineligible for any reason listed above;
 - (2) Operates a vehicle for commercial or business purposes, and the mileage for the commercial or business purposes is substantially in excess of the mileage of an average driver and may have been a factor that contributed to the person’s poor driving record; **and**
 - (3) Does not have at least 3 judgments (not arising from same incident) for a violation under 9-30-10-4(b)
 - ii) Under 9-30-10-9(e), a court may place a person on probation if the individual:
 - (1) Is not ineligible for any reason listed above;
 - (2) Does not have any convictions for violations under 9-30-10-4(b), except for judgments for conditions under 4(b)(5) that resulted from driving while suspended on a license that was suspended for infractions only, or previously driving on a suspended license; and
 - (3) Has served at least 3 consecutive years of the HTV suspension and has not violated the terms of the HTV suspension for at least 3 consecutive years.

3) Conditions of probation (9-30-10-9(d))

- a) The Court shall

- i) Place a person on probation for not less than 3 years but no more than 10 years;
- ii) Record its findings in writing;
- iii) Obtain the person's DL or permit and return it to the BMV;
- iv) Order the person to apply for a restricted DL at the BMV;
- v) Require the BMV to issue appropriate DL;
- vi) Order restrictions to the driving privileges to include restricting the driving only for work, rehab programs, and exceptional circumstances;
- vii) Require the person to submit to reasonable monitoring requirements
- viii) Require person to submit proof of financial responsibility for 3 years after being placed on probation (SR 22 ins); and
- ix) Impose any other conditions that the court deems appropriate or are required under 9-30-10-9(d)(9).